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MINNEAPOLIS, MINNESOTA

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Steve Salvador Ybarra
Self-Represented
Pro Se Litigant,

Plaintiff,

v.

Legal Assistance of Dakota County;
Sharon Jones Esq., in her Individual and
Official capacities;
Hon. David Lutz, in his individual and
Official capacities;
Hon. Tanya Obrien, in her individual and
official capacities;
Hon. Dannia L Edwards, in her individual
and official capacities;
Lydia Clemens, in her individual and
official capacities;
Michelle Cathleen Ybarra,

Defendants.

No. . 0:25-cv-01948-KMM-DJF

**MEMORANDUM OF LAW IN SUPPORT
OF PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION**

INTRODUCTION

This memorandum supports Plaintiff Steve Salvador Ybarra's motion for a preliminary injunction pursuant to Rule 65(a) of the Federal Rules of Civil Procedure. This case arises from systemic due process violations, sealed evidence concealment, and entrenched judicial bias in Dakota

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County Family Court Case No. 19AV-FA-24-839. The relief requested is necessary to halt ongoing constitutional injury, preserve the integrity of this federal forum, and restore Plaintiff's access to an impartial adjudicatory process.

LEGAL STANDARD

A preliminary injunction is appropriate where the movant demonstrates: (1) a likelihood of success on the merits; (2) a threat of irreparable harm in the absence of relief; (3) that the balance of equities tips in the movant's favor; and (4) that an injunction is in the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Dataphase Sys., Inc. v. CL Sys., Inc.*, 640 F.2d 109, 113 (8th Cir. 1981) (en banc).

ARGUMENT

I. PLAINTIFF IS LIKELY TO SUCCEED ON THE MERITS

A. Procedural Due Process Violations (U.S. Const. Amend. XIV)

Plaintiff has been denied fundamental fairness in state court proceedings. Custody determinations have been made without findings of unfitness or danger. Sealed affidavits, concealed Legal Aid intake records, and denial of discovery form a procedural regime that violates the core principles articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976), and *Goldberg v. Kelly*, 397 U.S. 254 (1970). No evidentiary hearing has been granted despite four Rule 60.02(d) motions citing fraud.

B. Fraud Upon the Court (*Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944))

Fraud was committed when Defendant Sharon Jones submitted ghostwritten affidavits on behalf of Michelle Ybarra, grounded in knowingly false indigency certifications. These affidavits formed the basis for public representation by LADC, which has since been shielded by sealed orders. *Hazel-Atlas* clearly establishes that fraud perpetrated through legal filings and concealed

1 via judicial sealing warrants federal equitable relief.

2 **C. Disqualification and Judicial Bias (*Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868**
 3 **(2009))**

4 Judge Lutz has admitted on record to prior professional affiliation with LADC, yet refuses to
 5 recuse. The standard for disqualification is not actual bias but "a serious risk of actual bias" where
 6 past affiliations would cause a reasonable observer to question neutrality. *Caperton*, 556 U.S. at
 7 884. When a judge rules on motions that protect a party he previously served, the presumption of
 8 impartiality collapses.

10 **D. Jurisdictional Defect Under UCCJEA (Minn. Stat. § 518D.201(a)(1))**

11 Minnesota lacked home state jurisdiction over the children under the Uniform Child Custody
 12 Jurisdiction and Enforcement Act (UCCJEA) at the time the petition was filed. The children
 13 resided in California with Plaintiff until shortly before proceedings commenced. Jurisdiction
 14 cannot be waived by appearance or counterpetition. See *H.M.B. v. E.T.M.*, No. A21-1174, 2022
 15 WL 897216 (Minn. Ct. App. Mar. 28, 2022). Any orders issued without jurisdiction are void ab
 16 initio.

18 **E. Conflict of Interest and Obstruction by Legal Aid**

19 LADC, a publicly funded entity, accepted Michelle Ybarra as a client despite income in excess of
 20 qualifying limits. It continues to represent her while concealing its intake practices behind sealed
 21 orders. Discovery obstruction regarding her financial eligibility constitutes both material litigation
 22 fraud and an ethical breach under *Dennis v. Sparks*, 449 U.S. 24 (1980).
 23

25 **II. PLAINTIFF FACES IRREPARABLE HARM**

26 Without intervention, Plaintiff will suffer ongoing deprivation of his fundamental right to parent
 27 his children. *Troxel v. Granville*, 530 U.S. 57, 65 (2000). Courts routinely hold that violations of
 28

1 constitutional rights, especially parental liberty interests, constitute irreparable harm. See *Elrod v.*
2 *Burns*, 427 U.S. 347, 373 (1976).

3 Moreover, the state forum has demonstrated entrenchment—denying all meaningful review of
4 Plaintiff's fraud and due process claims. This denial of access to a neutral tribunal justifies
5 injunctive intervention. See *Mitchum v. Foster*, 407 U.S. 225 (1972).
6

7 8 **III. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR INJUNCTION**

9 Plaintiff has no adequate remedy at law. He has been forced to invest time, money, and litigation
10 resources to confront a judicial forum that is actively insulating misconduct. The equities weigh
11 in favor of pausing a tainted process to ensure federal review. Moreover, the public interest is
12 served by preserving the legitimacy of the judicial process and curbing sealed litigation fraud.
13 See *Pulliam v. Allen*, 466 U.S. 522 (1984) (judicial immunity does not bar prospective relief in
14 civil rights actions).
15

16 Judge Lutz's courtroom remarks—dismissing federal filings as 'hypothetical'.
17

18 **CONCLUSION**

19 For the foregoing reasons, Plaintiff respectfully requests this Court grant his motion for
20 preliminary injunction, preserve the status quo, and prevent further irreparable harm.
21

22 Plaintiff invokes the full equitable authority of this Court under *Pulliam v. Allen*, 466 U.S. 522
23 (1984), which authorizes prospective injunctive relief against judicial officers engaged in ongoing
24
25
26
27
28

1 constitutional violations. Plaintiff does not seek damages—but federal intervention to halt
2 unlawful custody restrictions, discovery suppression, and forum bias.

3
4
5
6 Respectfully submitted,

7
8 **/s/ Steve Salvador Ybarra**

9 Steve Salvador Ybarra

10 Pro Se Litigant

11 California | Minnesota

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13 Phone: (612) 544-4380
14

15 **CERTIFICATE OF SERVICE**

16 I hereby certify that on **May 12, 2025**, I served a true and correct copy of the attached:

17 **MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR**
18 **PRELIMINARY INJUNCTION**

19
20 upon the following parties by email and/or U.S. Mail:

21 • **Legal Assistance of Dakota County**

22 Email: admin@dakotalegal.org

23 • **Sharon Jones, Esq.**, in her individual and official capacities

24 Legal Assistance of Dakota County

25 Email: sjones@dakotalegal.org

26 • **Hon. David Lutz**, in his individual and official capacities

27 Dakota County District Court

28 1560 Highway 55, Hastings, MN 55033

1 Email: Raymond.mestad@courts.state.mn.us

- 2 • **Hon. Tanya O'Brien**, in her individual and official capacities

3 Dakota County District Court

4 1560 Highway 55, Hastings, MN 55033

5 Email:

- 6 • **Hon. Dannia L. Edwards**, in her individual and official capacities

7 Dakota County District Court

8 1560 Highway 55, Hastings, MN 55033

9 Email:

- 10 • **Lydia Clemens**, Guardian ad Litem, in her individual and official capacities

11 First Judicial District GAL Program

12 Email: Lydia.clemens@courts.state.mn.us

- 13 • **Michelle Cathleen Ybarra**, Respondent

14 Email: shellbell@hotmail.com

15 This notice was served to all named parties via email where available and U.S. Mail where
16 necessary, consistent with Fed. R. Civ. P. 5(b) and Local Rule 7.1.

17 Respectfully submitted,

18 /s/ **Steve Salvador Ybarra**

19 Pro Se Litigant

20 Steve@TheoryWerkx.com

21 (612) 544-4380

22 Executed May 12, 2025